



## CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:**

Consider a Resolution of the City Council of the City of Lodi, California Ordering that a Measure be Submitted to the Voters at the November 5, 2002 General Municipal Election Relating to Increasing the Hotel-Motel Occupancy Tax Collection Rate from 9% to 10%.

**MEETING DATE:**

July 17, 2002

**PREPARED BY:**

Randall A. Hays, City Attorney

**RECOMMENDATION:**

That the City Council adopt the Resolution Submitting to the Voters the Increase in the Hotel-Motel Occupancy Tax Collection Rate from 9% to 10%.

**BACKGROUND:**

The State Legislature placed §51030 in the California Government Code in 1963. This represented the first statutory expression and authorization of the occupancy tax. The current authority is found since 1971 in §7280 of the California Revenue and Taxation Code.

The first expression of an occupancy tax in Lodi occurred September 16, 1964. Until 1991 the tax collection rate was 6%. In 1991 that collection rate was moved up to 9%. Staff is recommending that the collection rate be moved up to 10%. This recommendation requires that the proposed 10% collection rate be submitted to the voters due to the passage of Proposition 62 in 1986. The terms of that proposition are found in §§53720 through 53730 of the California Government Code.

§53723 requires that any general tax be submitted to the electorate and approved by a majority (50%+1) vote of the voters voting in an election on the issue. This tax has been and is recommended to continue to be a general tax placed in the City's general fund and available for general governmental purposes.

§53724 requires that this ballot proposal only be placed on the ballot if 2/3 of all of the governing body's members vote to do so. In the case of a 5 member body such as the City Council, this requirement really demands that at least 4 members of the City Council occur.

The current 9% collection rate generates approximately \$429,799.00 in revenues. A 10% rate would generate approximately \$47,755.45 in additional revenue.

Included with the memo is a chart which shows what the occupancy tax rates are for jurisdictions around Lodi. Based upon a review of those rates, staff believes that the proposed 10% rate for Lodi is appropriate.

Funding: Not applicable.

Respectfully submitted,

  
Randall A. Hays, City Attorney

APPROVED: \_\_\_\_\_

H. Dixon Flynn --- City Manager

<b>CITY</b>	<b>TOT</b>
<b>Davis</b>	<b>10%</b>
<b>Galt</b>	<b>10%</b>
<b>Lodi</b>	<b>9%</b>
<b>Manteca</b>	<b>9%</b>
<b>Modesto</b>	<b>9%</b>
<b>Monterey</b>	<b>10%</b>
<b>Napa</b>	<b>12%</b>
<b>Roseville</b>	<b>6%</b>
<b>San Luis Obispo</b>	<b>10%</b>
<b>San Joaquin Co.</b>	<b>8%</b>
<b>Stockton</b>	<b>8%</b>
<b>Tracy</b>	<b>10%</b>
<b>Turlock</b>	<b>9%</b>
<b>Woodland</b>	<b>10%</b>

RESOLUTION NO. 2002-162

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI,  
CALIFORNIA, ORDERING THAT A MEASURE BE SUBMITTED TO THE  
VOTERS AT THE GENERAL MUNICIPAL ELECTION TO BE  
CONSOLIDATED WITH THE STATEWIDE GENERAL ELECTION ON  
NOVEMBER 5, 2002 RELATING TO INCREASING THE HOTEL-MOTEL  
OCCUPANCY TAX COLLECTION RATE FROM 9% TO 10%

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WHEREAS, a General Municipal Election on Tuesday, November 5, 2002 has been called by Resolution No. 2002-106, adopted on May 15, 2002; and

WHEREAS, the City Council requested the Board of Supervisors of the County of San Joaquin to render specified services to the City relating to the conduct of a General Municipal Election to be held on Tuesday, November 5, 2002 by Resolution No. 2002-107, adopted on May 15, 2002; and

WHEREAS, the City Council also desires to submit to the voters of the City of Lodi at the General Municipal Election to be consolidated with the Statewide General Election on November 5, 2002 a question relating to increasing the Hotel-Motel Occupancy Tax Collection Rate from 9% to 10%.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. That the City Council, pursuant to its right and authority, does order submitted to the voters at the General Municipal Election the following question:

Shall Ordinance No. 1714 Increasing the Hotel-Motel Occupancy Tax Collection Rate From 9% to 10% be Enacted?	Yes
	No

SECTION 2: That the proposed complete text of the measure submitted to the voters is as follows:

ORDINANCE NO. 1714

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI  
AMENDING TITLE OF CHAPTER 3.12 "TRANSIENT OCCUPANCY TAX",  
RENAMING IT "HOTEL-MOTEL OCCUPANCY TAX, REPEALING AND  
RE-ENACTING LODI MUNICIPAL CODE SECTION 3.12.030, THEREBY  
INCREASING THE CITY OF LODI HOTEL-MOTEL OCCUPANCY TAX  
FROM 9% TO 10%, AND REPEALING SECTION 3.12.035 IN ITS  
ENTIRETY

=====

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

**SECTION 1.** Chapter 3.12 "Transient Occupancy Tax" of the Lodi Municipal Code is hereby amended by repealing its current title and re-titling Chapter 3.12 – Hotel-Motel Occupancy Tax.

**SECTION 2.** Section 3.12.030 of the Lodi Municipal Code is hereby repealed and re-enacted as follows:

**3.12.30.1 Imposed.**

For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in the amount of ten percent of the rent charged by the operator. Such tax constitutes a debt owed by the transient to the city which is extinguished only by payment to the operator or to the city. The transient shall pay the tax to the operator of the hotel at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient ceasing to occupy space in the hotel. If for any reason the tax due is not paid to the operator of the hotel, the tax administrator may require that such tax shall be paid directly to the tax administrator.

**SECTION 3.** Section 3.12.035 of the Lodi Municipal Code is hereby repealed in its entirety.

**SECTION 4.** All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

**SECTION 5.** No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

**SECTION 6.** Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

**SECTION 7.** This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall take effect thirty days from and after its passage and approval.

SECTION 3. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 4. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the county election department of the County of San Joaquin.

SECTION 5. That the City shall reimburse the County for services performed and upon presentation to the City of a properly approved bill.

SECTION 6. That the City Attorney prepare a ballot summary for inclusion in election materials not to exceed 500 words.

SECTION 7. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

**Dated:** July 17, 2002

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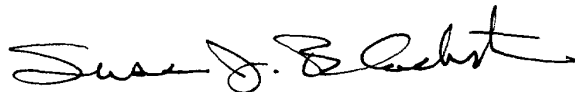
I hereby certify that Resolution No. 2002-162 was passed and adopted by the City Council of the City of Lodi in a regular meeting held July 17, 2002 by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Howard, Land, and Mayor  
Pennino

NOES: COUNCIL MEMBERS – Nakanishi

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



Susan J. Blackston  
City Clerk

I-1

**DISTRIBUTED**

*Susan STEAD  
copy Council, Kennedy, press  
Vukobratovic, Janet Kennedy  
May 06 2002  
Chamber's Office  
Dixon*



May 6, 2002

Dixon Flynn  
City Manager  
City Hall  
Lodi, California

Dear Dixon,

The Lodi Chamber of Commerce is in favor of a 1 percent increase in the TOT or "Hotel Tax," currently assessed in Lodi at 9 percent. We understand this must be put before the voters, perhaps this coming November. Our largest providers of affected services are also in favor of the increase.

Wine & Rose and G-Rem, who accounted for roughly 70% of the Tax collected in 2001, see no undue hardship to competitiveness as a result. Smaller providers however are more concerned.

**All**, no matter their size, are in favor of the one percent increase if more money would be put towards advertising and promotion of Lodi. Advertising is needed to build tourism and create more opportunity for overnight stay, all are disappointed that so much of what is collected goes to the general fund.

The Chamber sees this as a time when we should begin to promote more heavily as many components are coming together to make Lodi an increasingly attractive destination. We all know it, shouldn't more people outside Lodi know it as well?

Cordially,

Pat Patrick  
President / CEO

*give original to JX*



LODI • WOODBRIDGE  
WINEGRAPE COMMISSION

May 1, 2002

Dear Lodi City Council Members,

It has come to my attention that the City Transient Occupancy Tax (TOT, or hotel bed tax) is in jeopardy of being lowered from it's current rate of 9% to 6%, and that such a reduction could result in a funding cut to the Conference & Visitor's Bureau. While I am sure that the Council Members are aware of the negative impact of such a cut, I doubt many of our local citizens are as well informed. Consider the following few points:

1. The California Tourism Industry Association reports that tourism in California generates \$75 Billion dollars and employs over 1 million people per year: 54,000 in the Central Valley alone. These numbers prove that tourism is big business and a vital economic asset to our region!
2. The entire Lodi community benefits from the TOT tax, which is paid by those merely passing through our region, not the local citizenry. How many people are aware that over 85,000 tourists and visiting businesspeople come through Lodi each year? These visitors support the farmers, wineries, hotels, restaurants and shops, and the combined T.O.T. and sales tax revenues generated from visitor's spending allows the city to provide better roads, parks and improved city services.
3. Many factors indicate that the number of tourists coming to Lodi is increasing. T.O.T. taxes are up from the 2000-2001 year. In the past few years the number of wineries has grown from 10 to 37. Some winery owners are reporting a doubling of visitor numbers (and wine sales) this past year. The Wine and Visitor's Center received over 25,000 visitors since it opened in November of 2000, and projects that number to increase by 30% this year alone.

Tourism is critical to the local economy. A cut in the T.O.T. which could ultimately lead to a decrease in LCVB funding would be detrimental to the extensive marketing efforts currently sustained by the Visitor's Bureau and the Lodi Winegrape Commission. In contrast the modest proposal to increase the T.O.T. to 10% would only put Lodi at the lower end of the range of other Northern California cities – Sacramento charges 12%, San Francisco 14%.

I would urge you and all Lodi citizens to continue to support these economic development efforts as funded through the Transient Occupancy Tax.

Sincerely,

Mark Chandler  
Executive Director

DISTRIBUTED  
5/8/02 MAY 01 2002

City Manager's Office  
Susan  
copy Council Randy  
pross, Vicki & Janet

gens original to JK



***Please immediately confirm receipt  
of this fax by calling 333-6702***

CITY OF LODI  
P. O. BOX 3006  
LODI, CALIFORNIA 95241-1910

**ADVERTISING INSTRUCTIONS**

**SUBJECT:** NOTICE OF ELECTION FOR MEASURE RELATING TO INCREASING THE  
HOTEL-MOTEL OCCUPANCY TAX COLLECTION RATE FROM 9% TO 10%

**LEGAL AD**

**PUBLISH DATE:** SATURDAY, JULY 20, 2002

**TEAR SHEETS WANTED:** Three (3) please

**SEND AFFIDAVIT AND BILL TO:** SUSAN BLACKSTON, CITY CLERK  
City of Lodi  
P.O. Box 3006  
Lodi, CA 95241-1910

**DATED:** Thursday, July 18, 2002

**ORDERED BY:**

PATRICIA OCHOA  
ADMINISTRATIVE CLERK

JACQUELINE L. TAYLOR  
DEPUTY CITY CLERK

*Jennifer M. Perrin*  
JENNIFER M. PERRIN  
DEPUTY CITY CLERK

**Verify Appearance of this Legal in the Newspaper – Copy to File**

*and send proof before  
publication.*

*Please →*

Faxed to the Sentinel at 369-1084 at <u>10:54am</u> (time) on <u>7/18/02</u> (date) <u>2</u> (pages)
Kelsey <u>7/18/02</u> Phoned to confirm receipt of all pages at <u>2pm</u> (time) Jac <u>PO</u> Tricia <u></u> Jen (initials)



**NOTICE OF ELECTION  
FOR MEASURE RELATING TO INCREASING THE HOTEL-MOTEL  
OCCUPANCY TAX COLLECTION RATE FROM 9% TO 10%**

NOTICE IS HEREBY GIVEN that a General Municipal Election will be held in the City of Lodi, California, on Tuesday, November 5, 2002, for the following Measure.

Shall Ordinance No. 1714 Increasing the Hotel-Motel Occupancy Tax Collection Rate From 9% to 10% be Enacted?	Yes
	No

ORDINANCE NO. 1714

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI AMENDING TITLE OF CHAPTER 3.12 "TRANSIENT OCCUPANCY TAX", RENAMING IT "HOTEL-MOTEL OCCUPANCY TAX", REPEALING AND RE-ENACTING LODI MUNICIPAL CODE SECTION 3.12.030, THEREBY INCREASING THE CITY OF LODI HOTEL-MOTEL OCCUPANCY TAX FROM 9% TO 10%, AND REPEALING SECTION 3.12.035 IN ITS ENTIRETY

(The polls will be open between the hours of 7:00 a.m. and 8:00 p.m.)

NOTICE IS FURTHER GIVEN that pursuant to Article 4, Chapter 3, Division 9 of the Elections Code of the State of California, the legislative body of the City of Lodi, or any member or members thereof authorized by the body, or any individual voter or bona fide association of citizens, or any combination of voters and association, may file a written argument, not to exceed 300 words in length, ***accompanied by the printed name(s) and signature(s) of the person(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers,*** for or against the City measure.

NOTICE IS FURTHER GIVEN that, based upon the time reasonably necessary to prepare and print the arguments and sample ballots for the election, the City Clerk has fixed **July 26, 2002, during normal office hours, as posted**, as a reasonable date prior to the election after which no arguments for or against the City measure may be submitted to the City Clerk for printing and distribution to the voters as provided in the Article 4. Arguments shall be submitted to the City Clerk, ***accompanied by the printed name(s) and signature(s) of the person(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers,*** at the City Hall, 221 West Pine Street ~ 2<sup>nd</sup> floor, Lodi, California. Arguments may be changed or withdrawn until and including the date fixed by the City Clerk.

NOTICE IS FURTHER GIVEN that the City Council had determined that rebuttal arguments not to exceed 250 words in length, as submitted by the authors of the opposing direct arguments, may be filed with the City Clerk, ***accompanied by the printed name(s) and signature(s) of the person(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers.*** The deadline for submitting rebuttal arguments is **August 2, 2002** at 5:00 p.m.

NOTICE IS FURTHER GIVEN that any ordinance, impartial analysis, or direct argument filed under the authority of the Elections Code will be available for public examination in the City Clerk's Office for not less than ten (10) calendar days from the deadline for filing arguments. Any rebuttal argument filed under the authority of the Elections Code will be available for public examination in the City Clerk's Office for not less than ten (10) calendar days from the deadline for filing rebuttal arguments.

A handwritten signature in black ink, appearing to read "Susan J. Blackston".

Susan J. Blackston  
City Clerk  
City of Lodi, California

**Dated:** July 20, 2002



## **DECLARATION OF MAILING**

### **NOTICE OF ELECTION FOR MEASURE RELATING TO INCREASING THE HOTEL-MOTEL OCCUPANCY TAX COLLECTION RATE FROM 9% TO 10%**

On July 18, 2002 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a Notice of Election for measure relating to increasing the Hotel-Motel Occupancy Tax collection rate from 9% to 10%, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 18, 2002, at Lodi, California.

ORDERED BY:

**SUSAN BLACKSTON  
CITY CLERK, CITY OF LODI**

ORDERED BY:

\_\_\_\_\_  
JACQUELINE L. TAYLOR  
DEPUTY CITY CLERK

\_\_\_\_\_  
PATRICIA OCHOA  
ADMINISTRATIVE CLERK

  
\_\_\_\_\_  
JENNIFER M. PERRIN  
DEPUTY CITY CLERK

CITY COUNCIL

PHILLIP A. PENNINO, Mayor  
SUSAN HITCHCOCK  
Mayor Pro Tempore  
EMILY HOWARD  
KEITH LAND  
ALAN S. NAKANISHI

CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 333-6702  
FAX (209) 333-6807  
cityclrk@lodi.gov

H. DIXON FLYNN  
City Manager  
SUSAN J. BLACKSTON  
City Clerk  
RANDALL A. HAYS  
City Attorney

**EXHIBIT A**

July 18, 2002

Interested Parties

**RE: NOTICE OF ELECTION FOR MEASURE RELATING TO INCREASING  
THE HOTEL-MOTEL OCCUPANCY TAX COLLECTION RATE FROM 9%  
TO 10%**

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The Lodi City Council, at its meeting on July 17, 2002, adopted Resolution No. 2002-162 ordering that a measure be submitted to the voters at the November 5, 2002 General Municipal Election relating to increasing the Hotel-Motel Occupancy Tax collection rate from 9% to 10%.

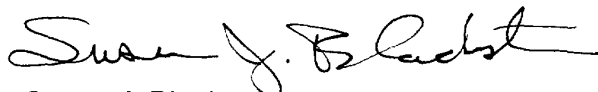
Enclosed for informational purposes is a copy of the Notice of Election for the measure which includes the following information:

- Deadline for filing arguments (not exceeding 300 words) – **July 26, 2002**
- Deadline for filing rebuttal arguments (not exceeding 250 words) – **August 2, 2002**

Arguments must be filed in the City Clerk's Office on or before the deadlines established, during normal office hours. The 10-day public examination period of arguments, ordinance, and analysis will conclude on August 12, 2002 at 5:00 p.m.

Also enclosed is the "Form of Statement to be Filed by Author of Argument", which must accompany any argument filed in the City Clerk's Office. Should you have any questions, please feel free to contact my office.

Sincerely,



Susan J. Blackston  
City Clerk

JMP

Enclosure



**NOTICE OF ELECTION  
FOR MEASURE RELATING TO INCREASING THE HOTEL-MOTEL  
OCCUPANCY TAX COLLECTION RATE FROM 9% TO 10%**

NOTICE IS HEREBY GIVEN that a General Municipal Election will be held in the City of Lodi, California, on Tuesday, November 5, 2002, for the following Measure.

Shall Ordinance No. 1714 Increasing the Hotel-Motel Occupancy Tax Collection Rate From 9% to 10% be Enacted?	Yes
	No

ORDINANCE NO. 1714

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI AMENDING TITLE OF CHAPTER 3.12 "TRANSIENT OCCUPANCY TAX", RENAMING IT "HOTEL-MOTEL OCCUPANCY TAX", REPEALING AND RE-ENACTING LODI MUNICIPAL CODE SECTION 3.12.030, THEREBY INCREASING THE CITY OF LODI HOTEL-MOTEL OCCUPANCY TAX FROM 9% TO 10%, AND REPEALING SECTION 3.12.035 IN ITS ENTIRETY

(The polls will be open between the hours of 7:00 a.m. and 8:00 p.m.)

NOTICE IS FURTHER GIVEN that pursuant to Article 4, Chapter 3, Division 9 of the Elections Code of the State of California, the legislative body of the City of Lodi, or any member or members thereof authorized by the body, or any individual voter or bona fide association of citizens, or any combination of voters and association, may file a written argument, not to exceed 300 words in length, **accompanied by the printed name(s) and signature(s) of the person(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers**, for or against the City measure.

NOTICE IS FURTHER GIVEN that, based upon the time reasonably necessary to prepare and print the arguments and sample ballots for the election, the City Clerk has fixed **July 26, 2002, during normal office hours, as posted**, as a reasonable date prior to the election after which no arguments for or against the City measure may be submitted to the City Clerk for printing and distribution to the voters as provided in the Article 4. Arguments shall be submitted to the City Clerk, **accompanied by the printed name(s) and signature(s) of the person(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers**, at the City Hall, 221 West Pine Street ~ 2<sup>nd</sup> floor, Lodi, California. Arguments may be changed or withdrawn until and including the date fixed by the City Clerk.

NOTICE IS FURTHER GIVEN that the City Council had determined that rebuttal arguments not to exceed 250 words in length, as submitted by the authors of the opposing direct arguments, may be filed with the City Clerk, **accompanied by the printed name(s) and signature(s) of the person(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers**. The deadline for submitting rebuttal arguments is **August 2, 2002 at 5:00 p.m.**

NOTICE IS FURTHER GIVEN that any ordinance, impartial analysis, or direct argument filed under the authority of the Elections Code will be available for public examination in the City Clerk's Office for not less than ten (10) calendar days from the deadline for filing arguments. Any rebuttal argument filed under the authority of the Elections Code will be available for public examination in the City Clerk's Office for not less than ten (10) calendar days from the deadline for filing rebuttal arguments.

Susan J. Blackston  
City Clerk  
City of Lodi, California

**Dated:** July 20, 2002

**FORM OF STATEMENT TO BE FILED BY  
AUTHOR OF ARGUMENT**

All arguments concerning measures filed pursuant to Elections Code Chapter 3 - Municipal Elections, Division 9 - Measures Submitted to the Voters, Article 4 - Arguments Concerning City Measures, shall be accompanied by the following form statement, to be signed by each proponent and by each author, if different, of the argument:

The undersigned proponent(s) or author(s) of the

\_\_\_\_\_ (primary/rebuttal)

argument \_\_\_\_\_  
(in favor of/against)

ballot proposition \_\_\_\_\_  
(name or number)

at the \_\_\_\_\_ General Municipal Election  
(title of election, e.g., primary, general, special)

election for the \_\_\_\_\_ City of Lodi  
(Jurisdiction)

to be held on \_\_\_\_\_ November 5, 2002 \_\_\_\_\_ hereby state  
(date)

that such argument is true and correct to the best of \_\_\_\_\_  
(his/her/their)

knowledge and belief.

\_\_\_\_\_  
(Legislative Body or Committee, if applicable)

ALL AUTHORS MUST PRINT HIS/HER NAME, SIGN, AND DATE THIS FORM

Signed

Date

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Submitted herewith is the PRIMARY ARGUMENT \_\_\_\_\_ or REBUTTAL \_\_\_\_\_

\_\_\_\_\_ Measure \_\_\_\_\_  
(In Favor of, Against) (name or number)

Arguments in support of or in opposition to the proposed laws are the opinions of the authors.

TEXT:

Submitted by: \_\_\_\_\_  
(Legislative Body or committee name, if applicable)

ALL AUTHORS MUST PRINT HIS/HER NAME AND SIGN THIS FORM

\_\_\_\_\_  
(Print Name/Sign/Date)

\_\_\_\_\_  
(Print Name/Sign/Date)

\_\_\_\_\_  
(Print Name/Sign/Date)

\_\_\_\_\_  
(Print Name/Sign/Date)

\_\_\_\_\_  
(Print Name/Sign/Date)

# EXHIBIT B

## MAILING LIST

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### MAILED ON 7/18

Pat Patrick, CEO/Executive Director  
Chamber of Commerce  
35 S. School Street  
Lodi, CA 95240

Mark Chandler, Executive Director  
Lodi-Woodbridge Winegrape Commission  
2545 W. Turner Road  
Lodi, CA 95242

Nancy Wilkinson, Executive Director  
Lodi Conference and Visitors Bureau  
2545 W. Turner Road  
Lodi, CA 95242

Lew Van Buskirk, Executive Director  
Downtown Lodi Business Partnership  
P.O. Box 1565  
Lodi, CA 95241

H. Dixon Flynn  
City Manager  
P.O. Box 3006  
Lodi, CA 95241

Randall A. Hays  
City Attorney  
P.O. Box 3006  
Lodi, CA 95241

Honorable Mayor and (5 copies)  
Members of the Lodi City Council  
P.O. Box 3006  
Lodi, CA 95241

### FAXED ON 7/18

334-0528 (Fax)

367-0737 (Fax)

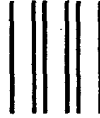
367-0737 (Fax)

369-8053 (Fax) – **NOT WORKING**  
**HAND DELIVERED TO 4 W. Pine St.**

Sunil Yadav  
1050 S. Cherokee Lane  
Lodi - 95240  
333-8844  
333-8844 - Fax

- Hand delivered on 7/22/02

UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

City Clerk's Office  
City of Lodi  
P.O. Box 3006  
Lodi, CA 95241-1910

RECEIVED

JUL 29 2002

City Clerk  
City of Lodi



Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

**3. Article Addressed to:**

D. Hench  
SJ Registrar of Voters  
P.O. Box 810  
Stockton, CA 95201

**4a. Article Number**

7000 1670 0008 4483 1319

**4b. Service Type**

- |   |   |
|---|---|
| <input type="checkbox"/> Registered                     | <input checked="" type="checkbox"/> Certified |
| <input type="checkbox"/> Express Mail                   | <input type="checkbox"/> Insured              |
| <input type="checkbox"/> Return Receipt for Merchandise | <input type="checkbox"/> COD                  |

**7. Date of Delivery**

JUL 24 2002

**5. Received By: (Print Name)**

Billy Chavez

**6. Signature: (Addressee or Agent)**

X Billy Chavez

**8. Addressee's Address (Only if requested and fee is paid)**

P.O. Box 3006  
Lodi, CA 95241-1910

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

CITY COUNCIL

PHILLIP A. PENNINO, Mayor  
SUSAN HITCHCOCK  
Mayor Pro Tempore  
EMILY HOWARD  
KEITH LAND  
ALAN S. NAKANISHI

# CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 333-6702  
FAX (209) 333-6807  
cityclrk@lodi.gov

H. DIXON FLYNN  
City Manager  
SUSAN J. BLACKSTON  
City Clerk  
RANDALL A. HAYS  
City Attorney

**MAILED CERTIFIED MAIL**  
#7000 1670 0008 4483 1319

July 18, 2002

Ms. Deborah Hench  
San Joaquin County  
Registrar of Voters  
P.O. Box 810  
Stockton, CA 95201

**RE: RESOLUTION SUBMITTING MEASURE TO THE VOTERS AT THE  
GENERAL MUNICIPAL ELECTION RELATING TO INCREASING THE  
HOTEL-MOTEL OCCUPANCY TAX COLLECTION RATE FROM 9% TO  
10%**

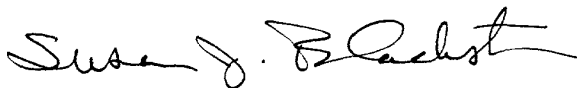
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The Lodi City Council, at its meeting on July 17, 2002, adopted a resolution ordering that a measure be submitted to the voters at the November 5, 2002 General Municipal Election relating to increasing the Hotel-Motel Occupancy Tax collection rate from 9% to 10%.

Enclosed is a certified copy of the subject resolution, which includes the full text of the measure. Please notify our office as soon as possible what identifying letter will be assigned to this measure.

Should you have any questions, please feel free to contact my office.

Sincerely,



Susan J. Blackston  
City Clerk

JMP

Enclosure

cc: San Joaquin County Board of Supervisors

RESOLUTION NO. 2002-162

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI,  
CALIFORNIA, ORDERING THAT A MEASURE BE SUBMITTED TO THE  
VOTERS AT THE GENERAL MUNICIPAL ELECTION TO BE  
CONSOLIDATED WITH THE STATEWIDE GENERAL ELECTION ON  
NOVEMBER 5, 2002 RELATING TO INCREASING THE HOTEL-MOTEL  
OCCUPANCY TAX COLLECTION RATE FROM 9% TO 10%

=====

WHEREAS, a General Municipal Election on Tuesday, November 5, 2002 has been called by Resolution No. 2002-106, adopted on May 15, 2002; and

WHEREAS, the City Council requested the Board of Supervisors of the County of San Joaquin to render specified services to the City relating to the conduct of a General Municipal Election to be held on Tuesday, November 5, 2002 by Resolution No. 2002-107, adopted on May 15, 2002; and

WHEREAS, the City Council also desires to submit to the voters of the City of Lodi at the General Municipal Election to be consolidated with the Statewide General Election on November 5, 2002 a question relating to increasing the Hotel-Motel Occupancy Tax Collection Rate from 9% to 10%.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. That the City Council, pursuant to its right and authority, does order submitted to the voters at the General Municipal Election the following question:

Shall Ordinance No. 1714 Increasing the Hotel-Motel Occupancy Tax Collection Rate From 9% to 10% be Enacted?	Yes
	No

SECTION 2: That the proposed complete text of the measure submitted to the voters is as follows:

ORDINANCE NO. 1714

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI  
AMENDING TITLE OF CHAPTER 3.12 "TRANSIENT OCCUPANCY TAX",  
RENAMING IT "HOTEL-MOTEL OCCUPANCY TAX, REPEALING AND  
RE-ENACTING LODI MUNICIPAL CODE SECTION 3.12.030, THEREBY  
INCREASING THE CITY OF LODI HOTEL-MOTEL OCCUPANCY TAX  
FROM 9% TO 10%, AND REPEALING SECTION 3.12.035 IN ITS  
ENTIRETY

=====

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

**SECTION 1.** Chapter 3.12 "Transient Occupancy Tax" of the Lodi Municipal Code is hereby amended by repealing its current title and re-titling Chapter 3.12 – Hotel-Motel Occupancy Tax.

**SECTION 2.** Section 3.12.030 of the Lodi Municipal Code is hereby repealed and re-enacted as follows:

**3.12.30.1 Imposed.**

For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in the amount of ten percent of the rent charged by the operator. Such tax constitutes a debt owed by the transient to the city which is extinguished only by payment to the operator or to the city. The transient shall pay the tax to the operator of the hotel at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient ceasing to occupy space in the hotel. If for any reason the tax due is not paid to the operator of the hotel, the tax administrator may require that such tax shall be paid directly to the tax administrator.

**SECTION 3.** Section 3.12.035 of the Lodi Municipal Code is hereby repealed in its entirety.

**SECTION 4.** All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

**SECTION 5.** No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

**SECTION 6.** Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

**SECTION 7.** This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall take effect thirty days from and after its passage and approval.

SECTION 3. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 4. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the county election department of the County of San Joaquin.

SECTION 5. That the City shall reimburse the County for services performed and upon presentation to the City of a properly approved bill.

SECTION 6. That the City Attorney prepare a ballot summary for inclusion in election materials not to exceed 500 words.

SECTION 7. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

**Dated:** July 17, 2002

=====

I hereby certify that Resolution No. 2002-162 was passed and adopted by the City Council of the City of Lodi in a regular meeting held July 17, 2002 by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Howard, Land, and Mayor Pennino

NOES: COUNCIL MEMBERS – Nakanishi

ABSENT: COUNCIL MEMBERS – None

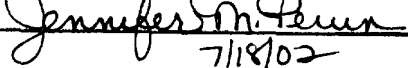
ABSTAIN: COUNCIL MEMBERS – None



Susan J. Blackston  
City Clerk

The foregoing document is certified to be a correct copy of the original on file in the City Clerk's Office.

Jennifer M. Perrin  
Deputy City Clerk, City of Lodi

By:   
Dated: 7/18/02

**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

7000 1670 0008 4483 1319

Postage	\$0.37	Postmark Here
Certified Fee	2.30	
Return Receipt Fee (Endorsement Required)	1.75	
Restricted Delivery Fee (Endorsement Required)		
<b>Total Postage &amp; Fees</b>	<b>\$4.42</b>	

Sent to  
**S.I Registrar of Voters - D. Hench**  
Street, Apt. No., or PO Box No  
**P.O. Box 810**  
City, State, ZIP+4  
**Stockton, CA 95201**



## **DECLARATION OF POSTING**

### **NOTICE OF ELECTION FOR MEASURE RELATING TO INCREASING THE HOTEL-MOTEL OCCUPANCY TAX COLLECTION RATE FROM 9% TO 10%**

On Friday, July 19, 2002 in the City of Lodi, San Joaquin County, California, a copy of Notice of Election for Measure relating to increasing the Hotel-Motel Occupancy Tax collection rate from 9% to 10% (attached hereto, marked Exhibit "A") was posted at the following four locations:

Lodi Public Library  
Lodi City Clerk's Office  
Lodi City Hall Lobby  
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 19, 2002 at Lodi, California.

ORDERED BY:

**SUSAN J. BLACKSTON  
CITY CLERK**

---

Jacqueline L. Taylor  
Deputy City Clerk

---

*Jennifer M. Perrin*  
Jennifer M. Perrin  
Deputy City Clerk

---

Patricia Ochoa  
Administrative Clerk



# EXHIBIT A

## NOTICE OF ELECTION FOR MEASURE RELATING TO INCREASING THE HOTEL-MOTEL OCCUPANCY TAX COLLECTION RATE FROM 9% TO 10%

NOTICE IS HEREBY GIVEN that a General Municipal Election will be held in the City of Lodi, California, on Tuesday, November 5, 2002, for the following Measure.

Shall Ordinance No. 1714 Increasing the Hotel-Motel Occupancy Tax Collection Rate From 9% to 10% be Enacted?	Yes
	No

### ORDINANCE NO. 1714

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI AMENDING TITLE OF CHAPTER 3.12 "TRANSIENT OCCUPANCY TAX", RENAMING IT "HOTEL-MOTEL OCCUPANCY TAX", REPEALING AND RE-ENACTING LODI MUNICIPAL CODE SECTION 3.12.030, THEREBY INCREASING THE CITY OF LODI HOTEL-MOTEL OCCUPANCY TAX FROM 9% TO 10%, AND REPEALING SECTION 3.12.035 IN ITS ENTIRETY


(The polls will be open between the hours of 7:00 a.m. and 8:00 p.m.)

NOTICE IS FURTHER GIVEN that pursuant to Article 4, Chapter 3, Division 9 of the Elections Code of the State of California, the legislative body of the City of Lodi, or any member or members thereof authorized by the body, or any individual voter or bona fide association of citizens, or any combination of voters and association, may file a written argument, not to exceed 300 words in length, ***accompanied by the printed name(s) and signature(s) of the person(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers***, for or against the City measure.

NOTICE IS FURTHER GIVEN that, based upon the time reasonably necessary to prepare and print the arguments and sample ballots for the election, the City Clerk has fixed ***July 26, 2002, during normal office hours, as posted***, as a reasonable date prior to the election after which no arguments for or against the City measure may be submitted to the City Clerk for printing and distribution to the voters as provided in the Article 4. Arguments shall be submitted to the City Clerk, ***accompanied by the printed name(s) and signature(s) of the person(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers***, at the City Hall, 221 West Pine Street ~ 2<sup>nd</sup> floor, Lodi, California. Arguments may be changed or withdrawn until and including the date fixed by the City Clerk.

NOTICE IS FURTHER GIVEN that the City Council had determined that rebuttal arguments not to exceed 250 words in length, as submitted by the authors of the opposing direct arguments, may be filed with the City Clerk, ***accompanied by the printed name(s) and signature(s) of the person(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers***. The deadline for submitting rebuttal arguments is ***August 2, 2002 at 5:00 p.m.***

NOTICE IS FURTHER GIVEN that any ordinance, impartial analysis, or direct argument filed under the authority of the Elections Code will be available for public examination in the City Clerk's Office for not less than ten (10) calendar days from the deadline for filing arguments. Any rebuttal argument filed under the authority of the Elections Code will be available for public examination in the City Clerk's Office for not less than ten (10) calendar days from the deadline for filing rebuttal arguments.

  
Susan J. Blackston  
City Clerk  
City of Lodi, California

Dated: July 20, 2002